

[counsel listed on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**JOINT STATEMENT OF THE CASE**

Date: April 16, 2011  
Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

1 Pursuant to Paragraph 8 of the Court's Guidelines for Trial and Final Pretrial Conference  
2 in Civil Jury Cases (last revised March 5, 2012), Oracle America, Inc. and Google Inc. provide  
3 the following joint statement of the case to be read to the jury during voir dire:

4 **STATEMENT OF THE CASE**

5 This is a case about alleged infringement of copyrights and patents. The plaintiff, the  
6 entity that has brought this case, is Oracle America, Inc. The defendant in this case is Google,  
7 Inc. Oracle America accuses Google of infringing particular Oracle America copyrights and  
8 patents.

9 Oracle America was formerly known as Sun Microsystems. When Oracle Corporation  
10 bought Sun in January 2010, Sun's name changed to Oracle America. The copyrights and patents  
11 in this case were originally assigned to Sun Microsystems, and stayed with the company when it  
12 was renamed Oracle America. During this trial, Oracle America may sometimes be referred to as  
13 "Oracle" or "Sun."

14 The trial of this case will proceed in separate phases.

15 Phase 1 of the case will relate to Oracle's copyright claims. Oracle claims that Google  
16 infringes Oracle's copyrights by copying Java software and related documentation into Google's  
17 Android software and related documentation. Google claims that certain aspects of the  
18 copyrighted works do not qualify for copyright protection, and that Google's use of certain  
19 information qualifies as a "fair use" under copyright law. Google further claims that, because of  
20 Sun's and Oracle's prior actions, inaction, and statements, Oracle should not be permitted to  
21 enforce these copyrights against Google. Your job at the end of Phase 1 will be to decide whether  
22 Google is liable for infringing Oracle's copyrights.

23 Phase 2 of the case will relate to Oracle's patent claims. Oracle claims that Google's  
24 Android software and mobile phones infringe two U.S. Patents. Google claims that, because of  
25 Sun's and Oracle's prior actions, inaction, and statements, Oracle should not be permitted to  
26 enforce these patents against Google. Your job at the end of Phase 2 will be to decide whether  
27 Google is liable for infringing the asserted claims in these two patents.

1 Phase 3 of the case will relate to the damages, if any, attributable to any infringement by  
2 Google of Oracle's copyrights or patents, and the question of whether any such infringement was  
3 willful.  
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1 Dated: April 15, 2012

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**ATTESTATION**

I, Marc David Peters, am the ECF User whose ID and password are being used to file this **JOINT STATEMENT OF THE CASE**. In compliance with General Order 45, X.B., I hereby attest that Matthias A. Kamber has concurred in this filing.

Date: April 15, 2012

/s/ Marc David Peters